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10/743,501	12/22/2003	Joo H. Song	112703-316	7778

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BELL, BOYD & LLOYD LLC
P. O. BOX 1135
CHICAGO, IL 60690-1135

EXAMINER CORBIN, ARTHUR L	
ART UNIT	PAPER NUMBER

1761

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/743,501
Filing Date: December 22, 2003
Appellant(s): SONG ET AL.

MAILED
AUG 16 2005
GROUP 1700

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 24, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner, which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Appeal No. 2003-0410

(Serial No. 09/775,785)

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

0,273,809	Naumann (EP)	7-1988
4,379,169	Reggio et al	4-1983

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2,635,441

Boudy (France)

2-1990

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-6, 9-17, 19 and 20 stand rejected under 35 U.S.C. 103(a). This rejection is set forth in a prior Office Action, mailed on ***.

Claims 7, 8, and 18 stand rejected under 35 U.S.C. 103(a). This rejection is set forth in a prior Office Action, mailed on ***.

(10) Response to Argument

Naumann employs 3 separate units as part of an overall mixing apparatus, wherein each unit performs a function related to production of a gum base. Thus Naumann clearly discloses appellant's manipulative process steps within a single continuous mixing apparatus or extruder, which is composed of 3 separated zones, units, sections or stages.

The mixing of the fragmented premix and other starting material in the powder mixer of Naumann (pages 4-5) is not part of the addition or compounding steps necessary to produce gum base, as claimed by appellant. These necessary steps actually occur within the single extruder of Naumann, wherein the gum base is prepared by adding the remainder of the gum base components followed by mixing and compression, shearing and kneading to cause compounding of the gum base components.

Although Reggio et al may not disclose at least two mixing zones within a single extruder to perform all addition and compounding steps necessary for gum base

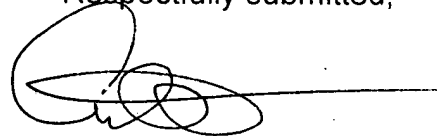
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production, as appellant contends, such steps are included in the process of Naumann. Reggio et al is merely relied upon for the concept of adding an elastomer to a chewing gum mixer without first pretreating or preblending the elastomer with another component. Any preblending or premixing which occurs in Reggio et al actually occurs in a single mixing apparatus to which all other ingredients are eventually added, i.e. a sigma blade mixer. Thus, while Reggio et al teaches preblending of an elastomer and ester gum, this is not a preblending which occurs prior to addition to a single mixing apparatus.

Whereas Boudy uses two stages for producing gum base, as appellant argues, Boudy is merely relied upon to show that appellant's claimed counter-rotating twin-screw extruder is a conventional extruder used in preparing chewing gum base.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



ARTHUR L. CORBIN
PRIMARY EXAMINER

Arthur L. Corbin

Conferees:

Milton Cano
Glenn Caldarola



Glenn Caldarola
Supervisory Patent Examiner
Technology Center 1700



MILTON I. CANO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

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Any inquiry concerning this communication from the examiner should be directed to Arthur L. Corbin whose telephone number is (571) 272-1399. The examiner can generally be reached on Monday--Friday from 10:30 to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.L. Corbin/dh
July 11, 2005